

Jess B. Millikan, SBN 095540
Samuel H. Ruby, SBN 191091
Judith A. Whitehouse, SBN 198176
Bullivant Houser Bailey PC
601 California Street, Suite 1800
San Francisco, California 94108
Telephone: 415.352.2700
Facsimile: 415.352.2701
jess.millikan@bullivant.com
samuel.ruby@bullivant.com
judith.whitehouse@bullivant.com

Attorneys for Defendant
United States Fire Insurance Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

COPART INC.,

Plaintiff,

vs.

CRUM & FORSTER INDEMNITY
COMPANY¹, UNITED STATES FIRE
INSURANCE COMPANY, and DOES 1-10,

Defendants.

Case No.: C 07 2684 CW (EDL)

[PROPOSED]

ORDER:

- (1) GRANTING DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT ON PLAINTIFF'S
COMPLAINT;**
- (2) DISMISSING AS MOOT
DEFENDANT'S COUNTERCLAIM
FOR REFORMATION; AND**
- (3) DENYING PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT**

Date: August 21, 2008

Time: 2:00 p.m.

Action File: March 20, 2007

Trial Date: November 10, 2008

AND RELATED COUNTERCLAIM

¹ Dismissed by Order Upon Stipulation (6/15/07).

1 The parties have filed cross-motions for summary judgment. Defendant's objections to
2 plaintiff's evidence are SUSTAINED. Having considered all of the admissible evidence and
3 argument, the Court rules as follows:

- 4
- 5 1. Defendant's motion for summary judgment on plaintiff's complaint is GRANTED.
6 Plaintiff's complaint is hereby DISMISSED.
 - 7 2. In light of the dismissal of plaintiff's complaint, defendant's counterclaim for
8 reformation is DISMISSED as moot.
 - 9 3. Plaintiff's motion for summary judgment is DENIED.
- 10

11 Defendant's counterclaim for negligent misrepresentation and concealment remains set
12 for trial.

13
14 IT IS SO ORDERED.

15
16 Dated: _____